



Ross Business Development

Training Tomorrow's Superstars

Preparing for the Management & Occupancy Review

A Review of HUD Form 9834 & Recent HUD Occupancy Changes

Prepared Exclusively for

*The Michigan State
Housing Development Authority*

By

Ross Business Development, Inc.

Preparing for the MOR Workbook – September 2008

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Disclaimer

"The material contained in this document is not comprehensive of the continually emerging issues surrounding policies in The Multifamily Housing industry. In addition, the handbook guidance is derived from The HUD Handbook 4350.3 Rev 1 Change 2 released in July 2007 and subsequent notices, the TRACS MAT Guide and the EIV Guides.

The student should understand that these training materials are not designed for, nor should be relied upon, as a source of legal guidance or as a final authority with respect to any particular circumstance.

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Owners and management should seek competent legal advice in developing and carrying out resident selection and fair housing policies and procedures.

While we have been diligent in our efforts to provide comprehensive and accurate regulatory training, Ross Business Development shall not be responsible for errors or inaccuracies."

INTRODUCTION

Owner/agents of HUD properties are subject to an annual Management & Occupancy Review. This review is part of the Rental Housing Integrity Improvement Project's (RHIIIP) efforts to ensure compliance and reduce errors.

We know that property compliance is your focus every day. Today, we will provide tips to help put your processes in the best possible light during the management and occupancy review (MOR).

This is much more than a lecture. We will provide you with:

- Tips about referencing various HUD manuals and web sites
- Sample checklists
- Best practice tips

THE MANAGEMENT AND OCCUPANCY REVIEW

The Purpose of the MOR

The purpose of the management and occupancy review (MOR) is to assess management and oversight of multifamily housing projects. The HUD form 9834 is to be completed by:

- HUD staff
- Performance-Based Contract Administrators/Contract Administrators (CAs)
- Mortgagees of Coinsured Projects (Mortgagees).

Regardless of whether you are reviewed by a HUD staff representative, a traditional contract administrator or a performance-based contract administrator, the same rules apply. You will note, though, as we continue to review this document, that some questions are to be asked of all Reviewers and some questions are to be asked by HUD staff only.

HUD Form 9834

All property managers should take the opportunity to review the 9834 before the management and occupancy review. You can get the form from the HUD/Forms web site at <http://www.hud.gov/offices/adm/hudclips/forms/files/9834.doc>. The Management Review consists of three parts:

1. Desk Review
2. On-site Review with Addendums
3. Summary Report

HUD has posted responses to questions regarding the 9834 as FAQs on appropriate HUD web sites. The current MOR FAQs are available at www.hud.gov/offices/hsg/mfh/rfp/sec8rfp.cfm.

How to Prepare for the MOR

No one likes to be judged. Since the MOR is an opportunity for someone to judge how well you manage your property, it tends to be pretty stressful. Let's run through some tips that can help alleviate some of the perceived pressure.

Prepare the Property



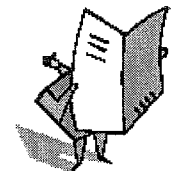
At least a month before the review, you should notify the residents and let them help you prepare for the On Site visit. Residents should be given the opportunity to provide you with information about necessary maintenance. **See the sample notice for residents.**

Maintenance teams should be provided with time to walk the property and thoroughly inspect the buildings and common areas. Any necessary or cosmetic changes (that you can afford) should be addressed before the reviewer comes out to the site.

Managers should also meet with any staff who will be at the site during the MOR BEFORE the MOR. Site staff should be prepared to demonstrate their professionalism. A little coaching may be in order as well.

- Staff should dress appropriately and uniforms/dress should be in good shape
- No cursing
- No yelling across parking lots
- Keep complaints to a minimum and any conversations about residents and/or the property should be conducted in privacy to ensure the residents' rights
- Staff should act relaxed and friendly
- Staff should be familiar with any part of the review where their participation is warranted

Read Previous Reviews



Reviewers must monitor how well you respond to previous reviews. Some of the questions on the 9834 ask how well you responded to findings on previous REAC and MOR Summaries.

Any outstanding findings should be addressed, if possible or necessary, before the MOR. Be aware of what the reviewer will be looking for and be prepared to provide documentation supporting your actions.

Update Policies and Procedures

It is also important to make sure that all changes to occupancy requirements have been incorporated in your property policies and procedures. Compiling a list of changes and providing documentation of implementation is good practice and demonstrates your ability to recognize when changes drive action. See the Policy Update Checklist.

The release of policy clarifications which are included in the

- Handbook Questions and Answers and
- Lease Questions and Answers

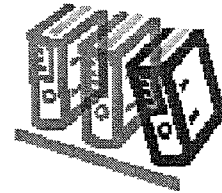
The Handbook Q & A and the Lease Q & A can be found on the HUD/RHIIP web site at www.hud.gov/offices/hsg/mfh/rhiip/mfhrhiip.cfm.

Prepare MOR Binders

During the on-site portion of the MOR, your Reviewer will ask you to provide specific information so that he/she can complete the appropriate questions in Part II – On-Site Review.

Part II – The On-site review – is broken down as follows:

- A. General appearance
- B. Follow-up & Monitoring or Project Inspections
- C. Maintenance & standard operating procedures
- D. Financial management/procurement
- E. Leasing & Occupancy
- F. Resident/Management Relations
- G. General Management Practices



We suggest that you put together a set of binders with tabs to set off each section the On-site review. You should provide pertinent information about the topic in the binders so that information is readily available to the Reviewer.

Refer to the MOR Checklist to find suggestions of the documents that might be included as part of the MOR binder.

Prepare a Sample File

The resident file review is one of the most important aspects of the review. Errors with financial impact are often found during the file review. These errors have the most impact on your overall score.

You must organize files so that information is presented in such a way as to demonstrate:

- Compliance
- Organization

It is best for you to develop file organization methodology. The most important thing to do is to incorporate resident file checklists. These should be designed for all the certification processes:

- Move in
- Initial
- Interim
- Annual
- Gross Rent Change
- Unit Transfer
- Termination
- Move out



Each checklist should provide the required information. The documents should be filed in the order indicated on the checklist. Using colored information to separate information by type or year is also helpful. See the sample file checklist and the sample Receipt of Documents forms.

Lesson Summary

The key to a successful MOR is preparation. This helps achieve two key objectives:

1. Achieve the highest rating possible
2. Ensure that the MOR is completed as quickly as possible

Sample MOR Notice

Date: _____

Project Name:	<input type="text"/>	Telephone:	<input type="text"/>
Address:	<input type="text"/>	Fax:	<input type="text"/>
City, State, Zip:	<input type="text"/>	TTD/TTY:	<input type="text"/>

TO:

Name:	<input type="text"/>
Unit #:	<input type="text"/>

Once a year, representatives of the Department of Housing and Urban Development are required to inspect our property. As part of this inspection, your unit may be selected for inspection. In order to ensure continued support from HUD, we are providing this notice so that we may help you prepare your unit.

The Management and Occupancy Review is scheduled on the following date: / / . This inspection is conducted by an agent of HUD commonly referred to as the Contract Administrator. Contact information for the current Contract Administrator is provided below:

As always, we wish to be sure that your home is maintained in the best possible condition. It is necessary that you assist in this effort. Inspectors will be looking for things like:

- ☐ Dirty stove, refrigerator, vent hood
- ☐ Trip hazards (telephone, cable cords, etc.)

While you can address the issues noted above, some items may need to be addressed by our maintenance team. For your convenience, we have attached a work order request. If you feel that there are problems with the unit that need to be addressed by maintenance, use the work order request to notify management so that we can send a maintenance representative to address your concerns.

Please note that we must be able to gain access to your unit. Paragraph 20 (Section 8)/Paragraph 16 (Section 202/8) of your lease requires you to permit the owner//agent and HUD or its representatives to conduct periodic unit inspections.

If you would like to discuss the unit inspection with the property management staff, please feel free to contact us at the office number below.

If you need assistance, the owner/agent will consider a reasonable accommodation if there is the presence of a disability. Please refer to the Reasonable Accommodation/Modification policy.

Thank you, in advance, for your help. We hope you continue to enjoy your home in this community.

Signature of Manager

Work Order Request

Name:

--

Unit #:

--

In preparation for your unit inspection, please let us know if you feel that maintenance is necessary for the following:

- ☐ Range hood light or fan not working.
- ☐ Entry door that does not open/close properly
- ☐ Missing deadbolt locks or door-viewer
- ☐ Inoperable or missing smoke detectors
- ☐ Broken/cracked/missing/loose electrical outlet or switch plates
- ☐ Worn refrigerator gasket or missing door trim bars
- ☐ Range burners don't ignite
- ☐ Inoperable sink (kitchen)
- ☐ Inoperable sink (bathroom)
- ☐ Inoperable bathtub
- ☐ Inoperable toilet
- ☐ Non-working bath exhaust fan
- ☐ Missing window screens
- ☐ Cracked window
- ☐ Cracked/broken floor tile
- ☐ Missing light fixtures covers
- ☐ Chimney not aligned on water heater
- ☐ Holes/cracks in sheetrock
- ☐ Unfinished sheetrock repair work

☐ Other

Please turn this form in to the management office no later than _____, _____ / _____ / _____ at _____ PM.

You may also contact the management team by phone at _____.

Sample Policy Implementation Checklist

Policy/Form Change Description	Deadline	Implementation Complete?
Current Handbook 4350.3	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Update Rejection Letter (4-9-C)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Eligibility of Adult Children (after initial occupancy) (7-4-D) 202/8 202 PRAC	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Living Arrangement Verification – Students Away at School (3-27)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Update Resident Selection Plan Unit Transfer (2-33) Title VI (4-4-C-6) Taking Applications (4-14) Screening – Eviction (4-27-C-2) Screening – Home Visits (4-27-D) Denial – Criminal History (4-27-E-6) Rejection (4-9-C-2)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Income From Assets - Investment Accounts (5-6-O)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Current HUD Lease (Appendix 4) released 5/2008	5/2008 MI 1/2009 AR	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Special Lease Considerations Co-op (6-4-B-2) 515 (6-5-F) Section 8 elderly (6-5-C-4) requires addendum	5/2008 and 1/2009	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Lease Change Notices	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Termination due to Criminal History (7-4-A-5)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Policy Regarding Uncollected Utility Allowance (9-13-B)	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Current 9887 Packet released 5/2008 (no OMB number) There have been several iterations of this form all with a 2/2007 revision date	5/2008	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Current Resident Rights & Responsibilities	8/2004	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Current Fact Sheet (How Your Rent is Determined) revised 6/2007	7/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Is Fraud Worth It (not required) HUD Form 1141	8/2007	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Special Claims Guide	8/1/06	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Violence Against Women Act (not mandatory)		<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
50059 released 5/2008 expires 3/31/2011	5/2008	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
27061-H Race & Ethnicity released 5/2008 expires 3/31/2011	5/2008	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A
Sample Verification Forms released 5/2008 (not mandatory) Sample Recertification Notice Sample Certification Long-Term Care Insurance Sample Verification of Disability - Section 202/8, Section 202 PAC, Section 202 PRAC, and Section 811 PRAC Sample Verification of Disability Sample Exceptions to Limitations on Admission of Families Sample Move-In/Move-Out Inspection Form	5/2008 Must have OMB number only if using exact form. . If O/A forms is used N/A	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A

Sample MOR Checklist

A1. Based on observations, are the project's exterior and common areas clean, free of graffiti, debris and damage?	No documentation for this question
a. Indicate whether any of the events below have been documented in the last twelve months and the frequency.	Complete Table on 9834
b. Indicate which types of security measures, if any, are utilized on site.	Copy of Security Policy
c. Based on the answers provided in questions a and b, what corrective actions, if any have been taken by the owner/agent?	List of any corrective actions including Installation of Security Monitoring Systems Contract for Security Service Providing Housing for Police/Security
d. Has the owner/agent requested a rent increase based on increases in security costs? If Yes, indicate security measures taken.	If applicable, copies of documentation used to request special rent increase and copies of documentation illustrating security measures taken as a result of additional rent income.
3a. Based on a sampling, if EH&S items were identified have the deficiencies been corrected and documented according to the owner/agent's certification for the most recent REAC inspection?	Copy of the most recent REAC report Copy of the correction letter(s) sent to HUD Supporting documents to show correction
3b. Based on a sampling of units and common areas, for all other deficiencies noted in the REAC inspection (other than EH&S), as applicable, verify that corrective actions have been taken. Have deficiencies been corrected?	List of units with deficiencies Supporting documentation to show correction action (copy of w/o, etc.) If not corrected, explanation why and documented plan to correct problem
4a. Is there a certification on file documenting the project has been certified to be free of lead-based paint or lead hazards?	If applies, provide Lead Based Paint Free Certification
4b. Is the owner in compliance with the HUD approved lead hazard control plan as noted on the desk review?	If applies, provide the LHCP and supporting documentation.
5a. Indicate below to confirm that there is a schedule for preventive maintenance/servicing for the items listed that are applicable.	Preventative Maintenance Plan Preventative Maintenance Checklist Form Supporting Work Orders
5b. Is there a satisfactory inventory system for accounting for tools, equipment, supplies and keys (serial numbers, bar codes , etc)	Inventory Report and Inventory Policy
5c. Has the owner /agent secured inventory items, such as appliances and tools, to prevent theft?	Inventory Tracking Policy
5d. Does the owner/agent have a written procedure that explains the process for inspecting units?	Unit Inspection Policy Copy of Unit Inspection Notice Copy of REAC Inspection Notice Copy of Unit Inspection Form

5e. How often are units inspected?	Unit Inspection Policy
5f. How are unit inspections documented?	Copy of Move In Inspection Form (Move in Inspection Form must have verbiage "unit is in safe and sanitary condition") Copy of Move Out Inspection Form Copy of Annual/Periodic Inspection Form
5g. If deficiencies are noted during unit inspections, what is the procedure for correction?	Unit Inspection Policy Sample letters to residents noting deficiencies Demonstration that resident caused damages are billed to the resident
5h. What is the average number of days from move-out until unit is ready for occupancy?	Make Ready Analysis (monthly/annually) RBD
5i. Is there a written procedure in place for completing work orders?	Work Order Policy/provide supporting documentation
5j. Is there a procedure in place to handle emergency work orders?	Emergency Work Order Policy/provide supporting documentation
5k. Is there a backlog of work orders?	Provide Current Work Order Log Note number of days each work order has been open
5l. Who is provided copies of complete work orders?	Refer to the Work Order Policy
5m. Is there documentation by unit that indicates the date of purchase, manufacturer, model, and serial number for appliance purchases (i.e ranges, refrigerators, furnaces, air conditioners, hot water heaters, etc)	Unit Inventory Report
6a. How many units were vacant on the date of the on-site visit?	Unit Vacancy Report
6b. Walk through at least two vacant units that are ready for occupancy. Assess and document unit readiness.	Provide Unit Make Ready policy Unit Make Ready Checklist for all Vacant Units
6c. Based on the interview with on-site staff, are any of the factors listed below contributing to vacancy problems?	List of On-Site Staff
6d. Based on the response in questions a, b, and c, what actions are being taken by the owner/agent to resolve the issues?	If it applies....Provide, supporting documents to show actions are being taken to help with the vacancy problem.
7a. Is a HUD-approved Energy Conservation Plan required?	Provide approved plan Provide documentation demonstrating adherence to the plan.
7b. Has management attempted to reduce energy consumption? (Indicate all that apply.)	Complete table on form Provide documentation of energy saving efforts Energy conservation brochures Energy conservation notices to residents
D. Financial Management/Procurement	Skip section D if reviewed by CA (not HUD mortgagee)
14a. Does the application form contain sufficient information to determine applicant eligibility?	Application Checklist Form (RBD) Copy of Application in all formats Copy of Pre Application in all formats
14b. Is there an arms length procedure between the person who denies the applicant and the applicant appeal reviewer?	Copy of Appeal Policy Rejection Letter Appeal Decision Notices Resident Selection Plan stating procedure.

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14c. Has the owner/agent leased a Section 8 unit to a police officer or security personal who is over the income limits for the project?	Name and Unit Number for Over Income Officer/Security
14d. Does the owner/agent have a written resident selection plan?	Resident Selection Plan Resident Selection Plan Checklist Form (RBD)
14e. Does the project maintain a waiting list of prospective residents?	Provide current waiting list Waiting List Checklist (RBD)
14f. List number of applicants on the waiting list for the types of units below.	Provide waiting list by unit type (# bedrooms) including totals
14g. Were the applicants selected in proper order from the waiting list?	Provide Selection Order for Reviewer based on preferences, etc.
14h. Is documentation available to show that the owner/agent is leasing not less than 40% of the Section 8 units that become available for occupancy in the previous fiscal year to extremely low-income families?	Section 8 only: Quarterly report showing how Income Targeting is achieved
14i. What steps has the OA taken to market to extremely low income families?	If Income Targeting Objective is at risk, provide samples of marketing materials targeting extremely low income households
14j – 14l FHEO	
14j. Does the advertising program comply with the existing affirmative fair housing marketing plan?	Approved Affirmative Fair Housing Marketing Plan (this should be posted in the management office as well) Affirmative Fair Housing Marketing Plan Checklist (RBD) Copies of all described advertising/marketing
14k. Is the affirmative fair housing sign posted in the rental office?	Fair Housing Poster should be in the office List other areas where Fair Housing Poster is posted
14l. Is the fair housing logo included in marketing materials?	Fair Housing Logo Checklist (RBD)
15a. Have changes have been made in the model lease?	If the model lease has been changed: Copy of old Lease Copy of New Lease Copy of all HUD approvals Copies of all Lease Addendums with appropriate HUD approvals
15b. Aside from rents and security deposits, what other charges are assessed (i.e., replacement keys, lockouts)?	Fee Schedule
15c. If other charges aside from rents and security deposits are assessed, have they been approved by HUD?	HUD approval documents Proof that the residents were notified of charges
15d. Are rents collected in accordance with the provisions of the lease?	Rent Collection Policy (this should be posted in the management office as well)
15e. Is the policy for late fee assessment in compliance with the Handbook 4350.3 REV-1?*	Copy of late fee policy (this should be posted in the management office as well)
15f. Are damages properly identified and charged to residents?*	Unit Inspection Policy Security Deposit Refund Policy
16a. Are residents notified of termination of tenancy in accordance with HUD requirements?	Eviction Policy Eviction Notices

16b Are eviction procedures initiated timely, when warranted?	Listing of all Residents who have record of material lease violations List of evictions initiated in last year
16c Are residents notified of termination of assistance in accordance with HUD requirements?	Termination of assistance notice Termination notice List of all residents who have received notice of termination of assistance
16d Is the termination of assistance initiated timely when warranted?	List of households terminated in last year List of households that certified after the certification effective date
17a. Is the owner/agent using the TRACS queries to review and monitor their transmission?	List of names and responsibilities of people responsible for monitoring TRACS Compliance Percentage Analysis (RBD)
17b Is the owner/agent following up and correcting TRACS deficiencies?	Provide explanations for all errors that remain open at the time of the MOR Certifications with Discrepancy Query EIV Discrepancy Report EIV Failed Verification Report EIV Deceased Resident Report Explanation for all open errors
18a Are the files locked and secured in a confidential manner?	Resident file Security Policy
18b. Is access to resident file information limited to only authorized staff?	List of staff and title with access to resident file
18c Who is authorized to have access to the resident files?	List of staff and position with access to resident file Copy of Release for Disclosure of Information if applicable
18d. Is the owner/agent maintaining resident files according to HUD's document retention requirements?	Applicants – all files should be available. Removed applicants information should be available for 3 years Current resident – all information. Move in and last three years in file. All other information may be stored in a secure area but must be available for review upon request Former resident – all resident file information should be maintained for at least 3 years after move out TAX CREDIT PROGRAMS HAVE LONGER RECORDKEEPING REQUIREMENTS
18e. Is the owner/agent properly disposing of resident records? (shred, burn, pulverize etc).	Data Destruction Policy
19 – File review summary	Copy of Resident File Organization Policy and Checklist
20a. Is there a written procedure to resolve resident complaints or concerns?	Incident/Grievance Policy Section 504 Grievance Policy
20b. Does the procedure adequately cover appeals?	Check policy to ensure arms-length appeal
20c. Is there an active formal resident organization at this project?	Provide documentation on all resident organizations
20d. Is resident involvement in project operations encouraged?	Documentation of efforts made to solicited resident's participation.
21a What social services are provided by either project or neighborhood, which meet the residents'	Provide a list of social services available to resident from owner/agent or through

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needs?	public/private agencies
21b Is there a Service Coordinator for the project?	Name of Service Coordinator
21c. Is the Service Coordinator's office clearly identifiable and private?	Contact information for the Service Coordinator
21d. Are the Service Coordinator's files kept secure and confidential?	Service Coordinator File Security Policy Copy of Release to Disclose Information if applicable
21e. Does the Service Coordinator maintain a directory of service agencies and contacts and make available to all parties?	See List of service agencies
21f. If there is a Neighborhood Networks Center as indicated on the Desk Review, what is the status of operations?	Neighborhood Networks Checklist. Provide Status Documentation; open, closed or temp closed.
21g What types of programs are offered at the Neighborhood Networks Center?	List Neighborhood Networks Programs Provide documentation on programs offered.
21h. The Department allows owners and their agents to provide services related to renter's insurance products. Does the owner/agent offer such services?	Renter's Insurance Agreement
21i. HUD policy prohibits an owner/agent from evicting residents if delinquent in renter's insurance payments. How does the owner/agent deal with unpaid renter's insurance?	Renter Insurance Policies
21j Renters Insurance is optional.....	Copy of documentation provided to residents and applicants
22a Have the complaints, as noted on the Desk Review, been satisfactory resolved?	Provide detailed information on each complaint; including any conversations, interviews and copies of any correspondence. Put in chronological order.
22b. Is the project staff able to adequately perform management functions?	Provide resumes for staff responsible for site functions This may include non-site staff responsible for supporting site efforts
22c How does the owner/agent implement HUD changes in policies and procedures?	Policy Implementation Checklist (RBD)
22d. Does owner/agent have a formal ongoing training program for its staff?	Training Summary Form (RBD)
22f. Are there signs enabling persons to locate the office?	Visually inspect sign
22g. Are after hours/emergency telephone numbers posted?	Visually inspect areas where telephone numbers are posted TTY.TDD.Voice Relay options should be included
24a Has management made an effort to employ residents in accordance with Section 3 of the Housing and Community Development Act of 1968?	Documentation of effort made to employ residents.
24b List all on-site staff charged to the project	List of all on-site staff charged to the site including salary and percentage charged to site

Sample Resident File Checklist Section 8

EACH MOVE-IN FILE MUST CONTAIN THE FOLLOWING				
FORM	REFERENCE Most references are to HUD Handbook 4350.3 Rev 1, Ch 2	Y E S	N O	N A
HUD Model Lease	6-5/Appendix 4			
Alternative Language Lease	Reference purposes only – do not execute			
HUD Approved Live in Aide Addendum	3-6-E-3 not mandatory but recommended			
HUD Approved Accessible Unit Addendum	2-32-C-2-b not mandatory but recommended			
HUD Approved Addendum Waiver of Unit Possession as a Remaining Household Member	7-4-D not mandatory but recommended (202/8)			
Move In Inspection (executed & dated)	6-5/6-29-A-1			
HUD-50059 (executed & dated)	6-5/9-5-A-4-b			
House Rules (entire copy and acknowledgement)	Ch.6, par. 6-5, pg. 6-6			
Pet Rules (entire copy and acknowledgement) only for properties serving elderly/disabled	6-10/Exhibit 6-4			
Fee Schedule	6-25			
Lead Based Paint Disclosure (if property was built before 1978)	24 CFR Part 35.92, Figure 6-4			
Security Deposit Record/Receipt	6-28 A & Recommended Practice			
APPLICATION (<i>must have signature/date/time</i>)	4-14, Ex. 4-1			
HUD Form 1141 Is Fraud Worth It (optional)	HUD-1140-OIG 11/2004			
Application Receipt Acknowledgement				
Waiting List Maintenance Letter(s)	4-19			
Eligibility Interview Letter	4-24-A			
Eligibility Approval Letter				
Denial-Term Based on Criminal	4-27-E-6			
Rejection Letter	4-9			
Form 9887/9887A - Release of Information Signature and date required	3-11/5-15			
9887 Fact Sheet or Acknowledgement	5-15			
Citizenship Declaration Form (need one for each household member)	HUD Notice 95-55 & 95-68/ 3-12-I			
Family Summary Sheet Complete	EX 3-3 and HUD Notice 95-55 & 95-68 Att.5			
Owner Summary Sheet Complete	Appendix 3-7			
SAVE Verification (DHS)	3-12-L			
Social Security Number Verification	3-9 /3-31/5-12 A & 24 CFR Part 221			
Age Verification (if elderly eligibility is required)	3-27			
Disability Verification (if disability verification is required for eligibility or deductions)	3-27			
Student Eligibility Verification	FR 5036-N-02			
Criminal Release and Results	4-7-C/4-27-E-7			

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FORM	REFERENCE	Y	N	N
	Most references are to HUD Handbook 4350.3 Rev 1, Ch 2	E	O	A
Credit Release and Results (optional)	4-7-E-2			
Landlord Release and Questionnaire (optional)	4-7-E-4			
Income Release and Verification	5-15/Appendix 3			
Asset Release and Verification	5-15/Appendix 3			
Certification of Assets Disposed	4-24-B-8			
Release and Verification of Medical Expenses	5-15/Appendix 3			
Release and Verification of Disability Assistance Expenses	5-15/Appendix 3			
Release and Verification of Child Care Expenses	5-15/Appendix 3			
Race & Ethnic Data Reporting Form	HUD-27061-H; 4350.3 Ch. 2, par. 2-11			
Resident Rights & Responsibilities Brochure	5-15-C-2 (Acknowledgement)			
FACT SHEET	7-4 A-4, Appendix 14 HUD Memo 02/05/02 by John C. Weicher (Acknowledgement)			
Resident Emergency Information				
Privacy Act Release	Privacy Act			
Reasonable Accommodation/Modification Policy	2-38/4-24-B-14			
Change Notification Requirements				
Right to a Pet (Properties serving elderly and/or disabled)	4-24-B-14			
Violence Against Women's Act				
LEP Acknowledgement	EO 13166			
Initial Notice of Next Annual Recertification	Ch.7, Par. 7-7 & Ex. 7-1 (Signed by resident & OA)			

LESSON 2: ON-SITE REVIEW



Lesson Introduction

This lesson provides substantial material about current compliance requirements and how to present your processes in the best light. While time does not allow us to address all the questions included in Part II of HUD form 9834, we want to address areas where there are common findings.

Conducting the On-Site Review

During the on-site portion of the MOR, your Reviewer will ask you to provide specific information so that he/she can complete the appropriate questions in Part II – On-Site Review.

E. Leasing and Occupancy

Leasing and occupancy processes will be reviewed and documented in this section. Please note that this section does not apply to mortgagees.

14. Application Processing/Tenant Selection

a. Does the application form contain sufficient information to determine applicant eligibility?

Because HUD does not prescribe a specific application, the definition of “sufficient” can be subjective. At minimum, the application should ask for information described in HH 4350.3 R1, C1, P 4-14-B. Be sure that the application queries potential residents about all the program and project eligibility requirements including owner/agent adopted requirements.

On App?	Type of Information	On App?	Type of Information
<input type="checkbox"/>	Names	<input type="checkbox"/>	Information about preferences (if applicable)
<input type="checkbox"/>	Current Address	<input type="checkbox"/>	Need for an Accessible Unit
<input type="checkbox"/>	Current Phone	<input type="checkbox"/>	Prior Landlord Information (screening)
<input type="checkbox"/>	Birth Date	<input type="checkbox"/>	Other Screening Information
<input type="checkbox"/>	Social Security Number	<input type="checkbox"/>	Sources and Estimates of Income
<input type="checkbox"/>	Citizen/Non-citizen (if applicable)	<input type="checkbox"/>	Total Number of Household Members
<input type="checkbox"/>	Disabled (if applicable)	<input type="checkbox"/>	Criminal History
<input type="checkbox"/>		<input type="checkbox"/>	Marketing Information

Pre-applications and full applications should be available to the Reviewer. In many cases, additional documents are provided to applicants, sometimes based on their specific situation. Examples include student status questionnaires, document checklists and eligibility requirements. Any documents provided with the application should be available to the Reviewer.

d. Does the owner/agent have a written tenant selection plan? If yes, does it include all required criteria as stated in the Handbook 4350.3?



Every property is required to have a written tenant selection plan. The plan needs to be provided to applicants on request. The Reviewer will request a written copy of the plan and the plan must be reviewed for compliance during the on-site review.

The owner/agent should keep in mind that the Resident Selection Plan is not subject to approval by HUD or the Contract Administrator (except when owners wish to adopt local or residency preferences). See HH 4350.3 R1, C1, P 4-4-B. However, if HUD staff becomes aware that a plan fails to comply with applicable requirements, the owner must modify the plan accordingly. When providing the plan, owner/agents may want to complete a checklist so that the Reviewer can easily find required and recommended topics. See Sample Resident Selection Plan Checklist.

e. Does the project maintain a waiting list of prospective tenants? If yes, does the list include all required elements as stated in 4350.3?



The Reviewer will ask for a copy of the waiting list. The execution of the waiting list should adhere to HUD requirements in HH 4350.3 R1, C1, P 4-16-D-3. The waiting list date and time information must match the date and time of receipt indicated on the actual application. In addition, the waiting list must include the following data taken from the application:

- Date and time the applicant submitted an application
- Name of head of household
- Annual income level (used to estimate levels for income-targeting, i.e., extremely low-income, very low-income, and low-income)
- Identification of the need for an accessible unit, including the need for accessible features
- Preference status
- Unit size
- *Removal date and time (HH 4350.3 R1, C1, P 4-20)

** It is not required that you include the removal date and time on the waiting list, but this information must be documented and you must be able to show how the waiting list looked before and after the applicant/tenant was removed. Documenting this information on the waiting list is the most common way to demonstrate compliance.*

15. Leases and Deposits

a. Have changes been made in the model lease? If yes; has the lease in use been approved by HUD?

When preparing binders, you should include all leases and lease notices used in the last 12 to 18 months. This section of the binder should also include any HUD approved lease addendums used by the property managers. These could include:



- Live-in aide Addendum
- Departure of Qualified Family Member – Right to the Unit Addendum
- Mold Addendum
- Crime Free Addendum
- Accessible Unit Addendum
- Pet/Assistance Animal Addendum
- Michigan State Lease Addendum provided by MMAM

Owner/agents are required to utilize the most current HUD leases. New HUD model leases were released May 19, 2008.

HUD Model Leases now have an OMB number and expiration date. The new HUD form numbers are as follows:

- HUD-90105a – Exhibit 4-A, Model Lease for Subsidized Programs (Family Model Lease)
- HUD-90105b – Exhibit 4-B, Model Lease for Section 202/8 or Section 202 PAC
(PLEASE NOTE THAT AS OF THIS WRITING (8/1/2008) THE PDF VERSION OF THIS LEASE IS NOT CORRECT)
- HUD-90105c – Exhibit 4-C, Model Lease for Section 202 PRAC
- HUD-90105d – Exhibit 4-D, Model Lease for Section 811 PRAC

HUD has released a document entitled the Lease Questions and Answers. We recommend review of these instructions and clarifications. The document can be found on the HUD/RHIIP web site at

<http://www.hud.gov/offices/hsg/mfh/rhiip/qnaonmodelleases.pdf>.

Effective Date: O/As must begin using the new HUD Model Leases for all new admissions immediately and for existing residents beginning with annual certifications effective January 1, 2009, or later.

Implementation of New Leases

On July 19, 2007, HUD released new leases as part of HH 4350.3 Revision 1, Change 2. These leases had a revision date of 6/2007. You had until the next annual certification to provide notice and require all current residents to sign the 6/2007 lease.

Property managers were given 1 year to provide proper notice and ask all residents to sign the new lease. If you still have resident living in the community under a 5/2003 lease, you must provide notice at least 60 days before the lease term ends and require the resident to sign the 12/2007 lease.

In May 2008, HUD released a 12/2007 version of each lease. The changes include addition of an OBM number and OMB expiration date, a new revision date, and inclusion of the data gathering statement at the end of the lease. It is important to make sure managers understand the requirements for implementing the lease. Many site managers are confused about:

- Which lease to use when and
- How to complete the new lease

All new residents, starting on May 19, 2008 should sign the 12/2007 version of the lease. All existing residents, starting with those residents with annual certification dates of January 1, 2009 or later are required to sign the new lease. Since the text of the lease did not change from 6/2007 to 12/2007, no formal notice is required. For Section 8 property managers, HUD has given permission to allow owner/agents to change the initial lease period from one year to one month if the initial 1-year lease requirement has been fulfilled. Then the lease becomes a month-to-month lease.

For example, if the new lease at the July 1, 2008, annual certification interview, paragraph 1 would read as follows:

“1. The initial term of this Agreement shall begin on July 1, 2008 and end on August 1, 2008. After the initial term ends, the Agreement will continue for successive terms of one month each unless automatically terminated as permitted by paragraph 23 of this Agreement. “

HUD Model Leases for Section 202/8 or Section 202 PACs, Section 202 PRACs and Section 811 PRACs will require a lease addendum modifying paragraph 1 of the leases indicating the month-to-month lease term. If the addendum only includes modification to paragraph 1 of the lease, the addendum does not have to be approved by the HUD Field Office or Contract Administrator.

If the resident is in the initial 1 year lease and signed the 6/2007 version of the lease, managers must have the resident sign the 12/2007 version of the lease when the lease term ends. The new lease begin date cannot occur before the old lease ends.

If the resident is in a month-to-month lease and signed the 6/2007 version of the lease, managers must have the resident sign the 12/2007 version of the lease when they come in for the annual certification starting with those residents whose annual is effective January 1, 2009 or later. You can start the process earlier, but not later.

While HUD does not require notice of the changes between the 6/2007 version and the 12/2007 version, I, personally, would recommend it.

Modified Leases

If you have a HUD approved modified lease, you will have to create a lease addendum addressing those changes. All owner/agents are required to use the HUD Model Lease and incorporate state/local/management changes in an addendum. If you have created a lease addendum in accordance with HUD requirements, no HUD or CA approval is required. However, you should have supporting documentation explaining why the change was incorporated and how notice of the lease change was sent to residents. See HH 4350.3 R1, C2, P 6-12-B.

For example, Paragraph 6-5-C-4 states the following:

Additional lease provision for pets in Section 8 projects. Lease provisions for pets are found only in the Model Leases for Section 202/8, Section 202 PACs, Section 202 PRACs, and Section 811 PRACs. However, certain properties (e.g., Section 8 New Construction, Section 8 State Agency) may be available for occupancy only to elderly and/or disabled tenants. As a result, the language addressing pets that is found in the Model Lease for Section 202/8 and Section 202 PACs must be added to the Model Lease for Subsidized Programs for use in these properties. Instead of modifying the Model Lease for Subsidized Programs to include the pet provisions from the Model Lease for Section 202/8 and Section 202 PACs, owners may attach a HUD-approved lease addendum.

Handbook instruction has been superseded by the new lease requirements. The HUD Lease Questions and Answers (www.hud.gov/offices/hsg/mfh/rhiip/qnaonmodelleases.pdf) , specifically state the following:

Question 29: *If an O/A who has an elderly property requiring the use of the HUD Model Lease for Subsidized Programs has incorporated into the lease the pet language from the Section 202/8 lease can this language be incorporated into the lease with the OMB approval number, etc. on it?*

Answer 29: *The language will have to be incorporated into the lease by use of a lease addendum. As long as the language was incorporated into the lease previously and is the identical language that is in the Section 202/8 lease, the addendum will not have to be approved by the HUD Field Office.*

There is an exception to this lease requirement. For projects financed by a State Agency, such as MSHDA, and under the jurisdiction of a Traditional Contract Administrator (TCA), the O/A will continue to use the lease provided by the State Agency as addressed in paragraph 6-5 A.2 of Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*.

e. Is the policy for late fee assessment in compliance with the Handbook 4350.3 REV-1?

The rules for assessing late fees vary from contract type to contract type. For example, the 202 lease does not address late fees. Cooperatives may collect any late charges that are approved by the Board and that are consistent with the cooperative's organizational documents and state and local laws. Owner/agents and Reviewers must refer to the proper documentation to determine if late fees can be assessed.

If the property contract allows for late fees, certain rules still apply. Owner/agents may assess a charge if the resident has been given at least 5 calendar days as a grace period to pay the rent. On the sixth day, the owner may charge a fee, not to exceed \$5 for the period of the first through fifth day that the rent is not paid. Additionally, the owner may charge a fee of \$1 per day for each additional day the rent remains unpaid for the month. Field Offices or Contract Administrators may approve a higher initial late fee.

The owner/agent may deduct accrued, unpaid late charges from the resident's security deposit at the time of move-out, if such a deduction is permitted by the lease and under state and local laws. The owner/agent may not evict a resident for failure to pay late fees but can evict for failure to pay rent on time. See HUD Handbook 4350.3 Revision 1, Change 2, Paragraph 6-23 and HUD Model Lease 4-A, Paragraph 5 (Section 8).

18. Tenant File Security

a. Are the files locked and secured in a confidential manner?

Resident Files must be maintained in a locked area. Resident files should be secure and available only to individuals authorized to have access. Owner/agents should be clear on HUD guidance regarding security of resident files. Owner/agents should also demonstrate that they are aware of and comply with the Privacy Act. Owner/agents should be able to clearly demonstrate that resident files are accessed only by appropriate staff.

Additional questions regarding compliance with EIV security protocol will be asked if the owner/agent is using EIV. While EIV is not mandatory, Reviewers are asked to monitor compliance with HUD's security requirements when EIV has been implemented.

You should be prepared to provide the following to your Reviewer.

- Authorization Letter from the Property Owner giving permission for the Coordinator to act as the EIV Coordinator
- The executed Coordinator Access Authorization Form
- The executed User Access Authorization Form (if User was assigned before electronic requests were implemented (May 13, 2008))
- Security Awareness Questionnaires for all EIV Coordinators and Users
- EIV Security Policy
- EIV Use Policy (if EIV is utilized for functions other than income verification at annual certification)

ADDENDUM A – THE TENANT FILE REVIEW

Introduction

The tenant file review is one of the most important aspects of the review. Financial errors are often found during the file review. These errors have the most impact on your overall score.

The following information will provide you with an explanation of the Tenant File Review questions and give you tips on how to present the files in the best light.

Addendum A Overview

Addendum A provides a Reviewer with worksheets to be used to evaluate the quality of the owner/agents documentation of actions involving applicants and residents. The Reviewer must review a minimum file sample. The sample will include a review of files for new move-ins, re-certifications, at least one reject applicant file, and at least one terminated/move-out resident file. The Reviewer may adjust the resident file sample to meet the needs of the review.

While this class does not allow us to review all questions, we do want to go over areas where we see common findings.

A. Household Information

1. Is the application complete, including the date and time received by the owner/agent?

All applications should be complete, signed and dated by the applicant. HH 4350.3 R1, C2, P4-14-A-2 HUD also requires owner/agents to sign, date and time stamp applications when they are received. This can be done manually or electronically. HH 4350.3 R1, C2, P4-16-A-1

7. Does the file contain the ethnicity and racial Data Certification as provided to the owner/agent?

Since the first quarter of 2003, applicants and residents are given the opportunity to provide self-certification of their race and ethnicity for data collection by using form HUD-27061-H. Be sure you are using the most recent version of the 27061-H which **expires 3/31/2011**. This new version was released May 18, 2008. A copy of this form is available on the HUD/Forms web site at <http://www.hud.gov/offices/adm/hudclips/forms/files/27061-h.pdf>

Keep in mind that HUD Handbook 4350.3 Revision 1, Change 2 prohibits owner/agents from completing this form on behalf of the applicant/resident. See HH 4350.3 R1, C2, P 4-14-A-3.

*3. * The applicant provides self-certification of their race and ethnicity for data collection by using form HUD-27601-H (Exhibit 4-3). Completing this form is optional and there is no penalty for not completing it. Owners should not complete the form on behalf of the resident. When the **applicant** chooses not to self certify race or ethnicity, a notation **that the applicant chose not to provide the race and ethnicity certification should** be placed in their file. **

While applicants and residents are not required to complete the Race & Ethnic Data Reporting Form (HUD form 27061-H), the owner/agent must demonstrate that the appropriate form was offered to each resident. The form can be provided at application or move in as indicated in a memo from Fred Tombar. (Memo can be found on the TRACS/Documents web site at <http://www.hud.gov/offices/hsg/mfh/trx/trxdocs.cfm>).

The document must be offered to all household members. If the resident provides information for a child (under 18), parents or guardians should sign as appropriate. When the resident chooses not to self certify race or ethnicity, a notation of this should be placed in the resident file. Below are some suggestions for documenting that the form was provided:

- Ask the resident to indicate that he/she does not wish to disclose and sign the form or
- For each resident who does not wish to disclose, put a copy of the form in the file with a note indicating that the resident did not wish to provide the information. The note should include
 - The date the form was offered
 - The name of the person who offered the form
 - The signature for the person who offered the form
 - It might be a good idea to create a standard form to use in these situations.

Completing this form is optional and there is no penalty for not completing it. Owners must not complete the form on behalf of the resident unless there is a request for a reasonable accommodation. 4350.3 R1, C2, P 2-11 and P 4-14.

Do not
have to
complete
this
form.

8. Have the HUD-9887/9887-A Consent Forms been signed by head, spouse, co-head regardless of age and family members at least 18 years of age?

Applicants and residents who are over 18 must sign HUD-required consent forms regardless of whether they are reporting income. There has been a lot of confusions due to multiple releases of the same form with the same revision date. HUD Form 9887 was released with an OMB number in April 2008. Subsequently, HUD determined that no OMB number was required and re-released the form, without an OMB number in May, 2008. On August 12, 2008, HUD inadvertently re-posted the 9887 Packet with the OMB number and then posted the correct 9887 on August 26. Please be sure you are using the 9887 Packet **without the OMB number**. A copy of the form is available on the HUD/Forms web site at www.hud.gov/offices/adm/hudclips/forms/files/9887.pdf

- Form HUD-9887, Notice and Consent to the Release of Information to HUD and to a PHA.
- Form HUD 9887-A, Applicant's/Resident's Consent to the Release of Information – Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

Owner/agents must keep the original form in the resident's file and provide a copy to the family. There are some questions about when this form should be signed. The Handbook says the form must be signed at move-in and at each annual certification.

The form should be signed before any information is obtained from Social Security or the Department of Health and Human Services. This means that if you are performing the "Existing Tenant Search" in EIV or if you are conducting income verification, you must have a current 9887 on file.

In addition, you must establish a policy to obtain executed 9887s at initial and when any household member turns 18. EIV includes all adults (excluding live-in aides and foster adults) in the EIV queries. In light of this, tighter monitoring of compliance with the form instructions is expected.

B. Verification

The Reviewer will check each file to ensure that information has been properly verified and documented. Owner/agents should refer to the HUD handbook 4350.3 Revision 1, Change 2 Appendix 3 to obtain a list of appropriate verifications methods.

5. Disability

The owner/agent should be able to provide information about the disability definition required by the property contract. See HH 4350.3, R 1, C 2, P 3-17 for descriptions). The Reviewer will determine if appropriate definitions are used and if the disability information was verified as required by HUD.

SSI benefit letters/EIV printouts are considered verification of disability only for those programs using Disability Definition E. See HUD HH 4350.3 R 1, C 2, P 3-28, and Appendix 3.

Different rules apply for verification of disability if there is a request for a reasonable accommodation or modification. See the HUD/DOJ joint memo sent May 2004. This memo can be found at www.hud.gov/offices/fheo/library/huddojstatement.pdf.

6. Student status

The owner/agent should be taking the proper steps to inquire about and verify student status. Additional information can be found in the HH 4350.3 R 1, C 2, P 3-13 and 3-33. Information about student eligibility for Section 8 programs (effective January 30, 2006) can be found in 24 CFR Parts 5, 880, 883, et al. In addition, HUD has provided clarification to the student rule for Section 8 properties FR-5036-N-02. This clarification can be found at www.hudclips.org/sub_nonhud/cgi/newsdoc_run.cgi.

Student verification must be completed for ALL properties at move in and at annual certification. **Sample Student Questionnaires** are included as part of this workbook.

C. Lease

1. Is the correct HUD model lease used?

The file should include the appropriate HUD lease. If the lease changed after the resident moved in to the current unit, the most current lease should have been executed.

2. Is the original lease and subsequent leases or addendums signed by the owner/agent, head, spouse, co-head, and all other adult members of the household?

The head, co-head and spouse and all adult household members must sign the lease as stated in the HH 4350.3 R1, C2, P 6-5. This year, reviewers will also ensure that proper notice procedures were implemented to address the changes to the HUD Model Leases.

3. Are applicable attachments attached to the lease, e.g., house rules, pet rules, unit inspection report?

All appropriate lease related documents must be included in the resident file. See HH 4350.3 R 1, C 2, P 6-5.

These include but are not limited to:

- The Lease
- HUD Approved Lease Addendums
- Signed 9887/9887A
- 50059
- Community Policies/House Rules (a complete copy of this document should be in the file)
- Pet Rules (a complete copy of this document should be in **all** resident files for properties that allow pets)
- Lead-based Paint Disclosure Form (if applicable)
- Fee Schedule
- Unit Inspection Report

7. Is the move-in inspection dated and signed by tenant and owner/agent?

Move in inspections must be included in the resident file and signed and dated by both the owner/agent and the resident. Move-in Inspection Forms must include the language: "the unit is in decent, safe and sanitary condition." HH 4350.3 R1, C2, P 6-29-C

D. Certification/Recertification Activities

Because a resident's income and family composition can change over time, program requirements establish procedures for addressing these changes. Under program requirements, owners have responsibilities for promptly reviewing and verifying resident information on at least an annual basis. This provides owner/agents with the opportunity to make changes in assistance payments or tenant rent consistent with program requirements. See HUD handbook 4350.3 Revision 1, Change 2, Chapter 7, Section 1.

3. Is the certification signed and dated by the appropriate parties?

Certifications must be signed and dated by all adult household members except live-in aides and foster adults. The date must be written in by the signer unless a reasonable accommodation is documented. (System generated dates are not acceptable). While a certification may be signed after the effective date, certifications should not be submitted to HUD electronically until all household signatures have been obtained.

Watch out for GRCs that change the resident contribution. Most software packages queue these certifications to send without signatures. If a signature is required, be sure to have the resident sign the GRC BEFORE you transmit.

Be sure you are using the new HUD-50059 Owner's Certification of Compliance with HUD's Resident Eligibility and Rent Procedures– the only change we have found is the expiration date of 3/31/2011. This form complies with the current 202B requirement. HUD has provided the following clarification regarding implementation of this form.

Effective Date: *Until such time as the Owner/Agent's computer software is updated to incorporate the new expiration date on the HUD-50059, after printing out the form HUD-50059 from their software, O/As must cross out the old expiration date and write in the new expiration date of 3/31/2011. The expiration date should be changed prior to obtaining resident signatures. If for any reason the O/A does not use a computer generated form as the certified/signed HUD-50059, the O/A must use the form HUD-50059 posted on HUDCLIPS that includes the revised OMB expiration date of 3/31/2011.*

24. If applicable, has tenant entered into a written payment plan for monies due to the project?

This practice has become more prevalent with the introduction of HHS information in EIV. If the resident has entered in to a repayment agreement with the owner/agent, the Reviewer will review the agreement. The Reviewer may also request information about the success of the repayment agreement and the owner/agent's compliance with HUD repayment requirements.

E. Billing

2. If required, have adjustments been made to the monthly billing?

Adjustments can go up or down. Adjustments should be reflected as indicated by documentation in the resident file. There are two common findings pertaining to adjustments.

- Adjustments to address resident repayment for repayment agreements
- Adjustments to address dual subsidy

Currently, the dual subsidy discovery requires an adjustment. Assuming that both property managers are compliant, if a resident moves in to your property before they move out of another subsidized unit, you must complete the following transactions.

Assume the move in date is 8/15/2008.

1. Move in effective 8/15/2008
2. Create termination effective 8/15/2008
3. Create a manual adjustment for one day of assistance
4. Create an initial certification effective the day after the move out effective date on the former property

F. Move-Out File Review Only

Section F will only be completed when the Reviewer is working with a file for a resident who has moved out of the community.

7. Does the tenant move-out date on voucher match the date the tenant vacated unit?

Move out information provided in the file will be compared to the information on the 50059, the voucher, CA internal systems and TRACS. The owner/agent should indicate that the move-out date was indicated based on HUD requirements.

Some owner/agents have a policy of submitting a move-out effective the last day of the month even if the notice period ends earlier. Others will submit a move-out effective at the end of the notice period even if the resident moved out earlier. Neither of these practices is appropriate. The move-out date is always the actual move-out date or the date that the owner takes possession of the unit in the case of a skip. See HH 4350.3 R 1, C 2, Appendix 7.

Move-Out/Move-In Scenarios

Old Property				New Property	
Notice	Actual MO Date	Reported MO Date	Last day of subsidy	Actual MI Date	First day of subsidy
30 Days	12/31	12/31	12/31	12/31**	1/1
30 Days	12/31	12/31	12/31	1/1	1/1
30 Days	12/31	1/1 or later*	12/31	1/1	1/1
30 Days	12/31	12/31	12/31	12/25**	1/1
Skip-No notice	12/31 = Date Management Takes Possession	12/31	12/31	12/25**	1/1
0-29 Days	12/31	12/31	12/31	12/31**	1/1
0-29 Days	12/31	12/31	12/31	1/1	1/1
0-29 Days	12/31	1/1 or later*	12/31	1/1	1/1
0-29 Days	12/31	12/31	12/31	12/25**	1/1

*This date is incorrect. In all cases, the reported MO date should be the same as the actual.

**This date, while actual, is not acceptable as a start of subsidy date. Subsidy may not start in a new unit and property until the day after the end of subsidy in the old unit and property.

G. Applicant Rejection Review Only

Section G will only be completed when the Reviewer is working with a file for a rejected applicant. Reviewers are required to review at least one file for an applicant who was rejected for tenancy. Preferably, this resident should have been rejected since the last inspection to ensure that the owner/agent is complying with current guidance.

2. *Did the rejection letter provide the applicant the right to appeal?*

The rejection letter in the file must contain this information. See HUD Handbook 4350.3 Revision 1, Change 2, Paragraph 4-9. Since the release of Change 2, we have seen an increase in findings because owner/agents failed to insert the reasonable accommodation language. This language is required.



The applicant rejection notice must state that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. This is a new addition to the Handbook and will probably require edits to existing rejection letters.

4-9-C. *Notification of Applicant Rejection*

Rejection notices must be in writing

The written rejection notice must include:

1. *The specifically stated reason(s) for the rejection;*
2. *The applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection. and*
3. ***That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.***

After the On-Site Review

When the on-site review is complete, the Reviewer will hold a close-out session with the owner/agent to discuss observations and conclusions. Keep in mind that the review is a "picture in time" and non-compliance will be noted on the summary even if it was corrected during the review.

Lesson Summary

This lessons provide owner/agents with information about the site review. The most successful owner/agents keep this information in a file or notebook so that it is easy for the Reviewer to make an analysis of the overall success of the operations.

Regardless of the method used, providing the information in a neat and organized manner demonstrates good management practice.

Sample Resident Selection Plan Checklist

In Plan?	Page Number	Compliant?	Required Topics
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Project eligibility requirements:
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Project-specific requirements (see Chapter 3, Section 2);
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Citizenship requirements (see Chapter 3, Section 1); and
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Social security number requirements (see Chapter 3, Section 1).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Income limits (including economic mix requirements for Section 8 properties) (see Chapter 3, Section 1).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for accepting applications and selecting from the waiting list:
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for accepting applications and pre-applications (see Chapter 4, Section 3);
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for applying preferences (including income-targeting in Section 8 properties) (see Chapter 4, Sections 1 and 4);
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Applicant screening criteria (see Chapter 4, Sections 1 and 4);
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Required drug-related or criminal activity criteria; Other allowable screening criteria; and
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for rejecting ineligible applicants (see Chapter 4, Section 1).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Occupancy standards (see Chapter 3, Section 2).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Unit transfer policies, including selection of in-place residents versus applicants from the waiting list when vacancies occur (see Chapter 7, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Policies to comply with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes (see Chapter 2, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Policy for opening and closing the waiting list for the property (see Chapter 4, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	**Eligibility of students to receive Section 8 assistance (see Chapter 3, Sections 2 and 3)**

Preparing for the MOR Workbook – September 2008

Indicate recommended topics that are included in the plan.

In Plan?	Page Number	Compliant?	Recommended Topics
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Applicant notification and opportunity to supplement information already provided (see Chapter 4, Sections 1 and 4).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for identifying applicant needs for the features of accessible units or reasonable accommodations (see Chapter 2, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Updating the waiting list (see Chapter 4, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Policy for notifying applicants and potential applicants of changes in the tenant selection plan (see Chapter 4, Section 1).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Procedures for assigning units with originally constructed design features for persons with physical disabilities (see Chapter 2, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Charges for facilities and services (see Chapter 6, Section 3).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Security deposit requirements (see Chapter 6, Section 2).
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	Unit inspections (see Chapter 6, Section 4).

Sample Student Questionnaire – S8

Applicant/Resident _____ Date _____

TO BE COMPLETED BY APPLICANT / RESIDENT

Yes No

1. Are you student at an institution of higher education? ☐ ☐

**Institutes of higher education include post-secondary vocational institutions; "proprietary institutions of higher education" which prepare students for "gainful employment in a recognized occupation", and accredited post-secondary colleges and universities. If you are not sure, please mark "yes" and we will verify it.*

If you answered yes, the owner agent is required to determine your eligibility as a student. You may refer to the resident selection plan for additional information regarding student eligibility. Please complete the following questions:

Yes No

- | | | | |
|-----|---|--------------------------|--------------------------|
| 2. | Are you a full-time student? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. | Will you be living with your parents? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. | Are your parents receiving or eligible to receive Section 8 assistance? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. | Are you claimed as a dependent on your parent's tax return? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. | Are you a graduate or professional student? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. | Are you at least 24 years of age? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. | Are you a veteran of the United States military? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Are you married? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | Do you have a dependent child? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. | Do you have dependents other than a child or spouse? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. | Have you been independent of your parents for at least one year? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. | Do you feel you qualify as a disabled student who was receiving Section 8 Assistance as of November 30, 2005? | <input type="checkbox"/> | <input type="checkbox"/> |

Are you receiving any financial assistance to pay for your education? ☐ ☐

If so – Please list all sources of financial assistance including the school, any providers of scholarships or grants, parents, associations, etc.

PENALTIES FOR MISUSING THIS FORM

Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).

LESSON 3 – ADDENDUM B – CHECKLIST FOR ON-SITE LIMITED MONITORING & SECTION 504 REVIEWS

Lesson Introduction

The purpose of this lesson is to set appropriate expectations regarding the Fair Housing questions that will be asked during the MOR. It is also important that you know what types of documents need to be available to the Reviewer.

Completion of Part A of Addendum B

The information gathered in Appendix B is an information gathering exercise, not a review of Fair Housing compliance. FHEO is responsible for making a determination of compliance or non-compliance. The Reviewer **should not** issue a finding based on any of the responses on the FHEO Checklist. It is FHEO's responsibility to determine compliance or non-compliance with information documented on Addendum B and follow up accordingly.

Part A - Section II – Accessible Units

This form is used to see how the owner/agent has distributed accessible units in the project. In compliance with Section 504, each property constructed after 6/2/88, at least 5% (minimum of 1) of the units must meet mobility accessibility requirements, and at least 2% (minimum of 1) of the units must meet communication accessibility requirements.

Bedroom Size	0	1	2	3	4	5	Other	Total
1. All units								
2. Total units with project-based rental assistance								
3. Mobility <i>accessible</i> units								
4. Vision and/or Hearing <i>accessible</i> units								
5. (Total Accessible Units)								
6. Number of persons on waiting list who have requested <i>accessible</i> units								
7. Number of accessible units <i>occupied</i> by elderly or family tenants								
8. Number of <i>accessible</i> units occupied by non-elderly tenants with disabilities who require the features of the unit								
9. Number of <i>accessible</i> units occupied by elderly tenants with disabilities who require the features of the unit								

Be sure to complete each field. The reviewer will not accept the form if any of the fields are blank.

10. Percentage of Total Units with Project-Based Rental Assistance (Total line 2 divided by Total line 1 x 100) _____ %
11. Percentage of Total Units that are mobility accessible (Total line 3 divided by Total line 1 x 100) _____ %
12. Percentage of Total Units that are vision and/or hearing accessible (Total line 4 divided by Total line 1 x 100) _____ %

Be sure to round the percentages to the nearest whole number.

Signatures for Part A

Owners are required to sign each section of Part A of Addendum B. No other person may sign on behalf of the owner, even if they have a Power of Attorney (POA). HUD has revised the 9834 (as of May 30, 2007) to state "Signature of Owner" as opposed to "Signature of Owner/Agent".

Providing Part A of Addendum B to the Reviewer

The Reviewer will obtain the completed forms during the on-site review. While the Reviewer is responsible for attempting to collect required documents, HUD's Multifamily Housing (MFH) staff is responsible for follow up if the owner does not provide Part A of Addendum B. The Office of Fair Housing and Equal Opportunity (FHEO) is responsible for follow up of all other sections if the owner does not provide or send the requested documents.

Lesson Summary

Addendum B should be completed well before the management and occupancy review. It is very important that you review the entire addendum to see what Fair Housing compliance procedures are monitored.

LESSON 4 PROPOSED POLICY CHANGES

On July 22, HUD released new forms to be submitted to the OMB for emergency approval. Comments were due by August 5, 2008. Some of the new forms were expected because of the approved changes to TRACS. These include:

- Revised 50059
- New 50059A
- Modified 52670
- Special Claim for Vacancy During Rent Up HUD Form 52671-B
- Special Claims for Regular Vacancy –HUD Form 52671-C
- Special Claim for Debt Service – HUD Form 52671-D

In addition, the following forms were submitted for approval:

- VAWA Lease Addendum – HUD Form 90067
- VAWA Certification – HUD Form 90066

Since HUD MF has submitted these forms for approval, we expect to see a Notice mandating implementation of VAWA policies.

Violence Against Women Act

HUD already released Notice: PIH 2006-23 on June 23, 2006. This notice describes requirements for implementation of the Violence Against Women and Justice Department Reauthorization Act 2005. The notice can be found on the HUD web site at <http://www.hud.gov/offices/adm/hudclips/notices/pih/files/06-42PIH.doc>.

Note: Multi-family Housing has not released a comparable notice so, policy has indicated that Reviewers should not monitor compliance with this requirement. However, from an FHEO point of view, failure to acknowledge protections of Victims of Domestic Violence could result in a Fair Housing violation/claim.

The specific language from the statute states:

“an incidence of abuse shall not be good cause for terminating a lease held by the victim, and that the abuser’s criminal activity directly related to abuse and beyond control of the victim shall not be grounds for eviction or termination. The amendments clarify the ability of a landlord or housing authority to evict an individual who is a threat to the community or who engages in acts of criminal activity. Victims must certify their status as victims and that the incident in question was a bona fide incident of domestic violence by presenting appropriate documentation to the PHA or owner. Nothing prevents a victim who has committed a crime or violated a lease from being evicted or terminated.”

Key Points

The act was promoted for a noble cause to make the lives of abused women easier and prevent homelessness. Some key points follow:

1. A potential resident who certifies they were the victim of domestic violence would be allowed to be admitted even with poor credit and poor landlord evaluations if they can show the cause of these negative factors were caused by domestic violence. The housing provider can require certification beyond self-certification.
2. It assured that victims of domestic violence, sexual assault etc. can have access to the criminal justice system without facing eviction.
3. Where one household member is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.
4. Residents in assisted housing facing violence can be allowed early lease termination for a matter of safety. HUD is encouraging a transfer policy that is supportive of transfers in these situations; even encouraging PHA's to issue vouchers.

Request for approval of these two new documents, cause us to suspect that HUD plans to release notice of mandatory compliance for owner/agents of project-based Section 8 properties and/or other project-based properties.

As a result, owner/agents will need to investigate VAWA and will need to develop, communicate and oversee policies ensure compliance with the Act.

Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs

On June 19, 2007, HUD submitted a proposed change to certain rules regarding resident eligibility for PHA and multi-family housing programs. Comments were due in August 2007.

This proposed rule addresses HUD's priority of reducing errors, including overpayment of subsidy to PHAs, caused by incorrect income determinations and rent calculations in HUD's public and assisted housing programs. This proposed rule would make several significant revisions to the regulations that govern the public housing, tenant-based, and project-based rental assistance programs.

We do not know the status of the proposal, but you should be aware of some key changes that have been proposed.

Proposed Requirement For Applicants/Residents To Provide Valid Social Security Numbers

The proposed revisions to § 5.216 would eliminate the threshold that sets 6 years of age as the minimum age that triggers the requirement for documentation of SSNs. The revisions would require any individual applying for or participating in the public housing, HCV, or multifamily housing project-based programs to disclose his or her SSN.

Further, the rule would remove the provision allowing certification that a child who is at least 6 years of age has not been assigned an SSN, or that a particular SSN submitted has been assigned to an individual, but that acceptable documentation to verify the SSN cannot be provided.

Each applicant and participant family would be required to submit a complete and accurate SSN assigned to each family member in the household. Additionally, the applicant would be required to submit valid documentation, such as a Social Security card or other documentation, necessary to verify the SSN of an individual.

The proposed changes to § 5.218 would clarify that the penalty for failure to provide required documentation is denial or termination of individual assistance.

Proposed Changes to Methods Used to Determine Income in HUD Programs

The proposed revisions to § 5.609 would change the definition of annual income from anticipated future income to actual income received.

The existing regulations at 24 CFR 5.609 require responsible entities to calculate a family's rent payment and subsidy amount using anticipated annual income. Under this proposed rule, actual annual income will be used in determining a family's eligibility and assistance level in assisted programs, and will be based on amounts received from a source outside the family during the 12-month period prior to admission or prior to the effective date of the annual reexamination.

If, however, the processing entity believes more current verified income data exists, the entity must use and annualize this income data to determine annual income. HUD notes that a substantial number of administrators of assisted housing programs are basing annual income on the prior year's income. The rationale in support of this approach is that past income is a known amount, whereas anticipated future income is a projected amount, based on predictions and future circumstances, which are susceptible to error and fraud.

The proposed change in the definition of annual income will both simplify the family income verification process and significantly eliminate associated costs of income verifications.

This is because the EIV system containing quarterly wage, employer information, weekly/biweekly unemployment benefit payments, monthly SS and SSI benefits, and Medicare deductions and/or buy-ins can be used at no cost to the processing entities.

HUD proposes to use the following language to describe annual income:

- (a) Annual income means all amounts, monetary or not, which:
 - (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
 - (2) Are amounts received from a source outside the family during the 12-month period prior to admission or the annual reexamination effective date; and
 - (3) Which are not specifically excluded in paragraph (d) of this section
 - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- (b) If the processing entity believes that the most recent income data documents a change in the family's annual income, the entity must use and annualize this income data to determine the family's annual income for the 12-month period.

Proposed Mandated Use Of Upfront Income Verification (UIV) Techniques

HUD is also proposing a rule to make use of UIV/EIV Mandatory. An excerpt of the proposed language reads as follows:

Entities administering Public Housing, Housing Choice Voucher (HCV), moderate rehabilitation, project-based voucher, project-based certificate, project-based rental assistance, and programs administered by the Office of Housing must verify tenant income data, before or during a family's initial examination and reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

This technique is known as the UIV technique. Income data older than 12 months contained in the EIV system must not be used in verifying annual income. Processing entities must obtain data for upfront verification of income through the following methods:

- (1) Via use of HUD systems (such as the EIV system), or
- (2) By submitting direct computer matching agreements with a federal, state, or local government agency or a private agency

Failure to implement a UIV process may result in the assessment of disallowed costs and/or sanctions against the processing entity.

Lesson Summary

In light of time, we have chosen to discuss changes that seem most pertinent to owners and management agents for HUD properties.

We started with a discussion of changes that have already taken effect

Next, we reviewed proposed changes to

- HUD forms and
- HUD policy

Addressing changes as they become effective is key to successful HUD property management.

We hope you found this session informative. MSHDA will send notices as changes are refined, approved, and announced.

Proposed Certification of Domestic Violence, Dating Violence or Stalking

Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by owners and management agents administering Section 8 project-based assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) to request a tenant to certify that the individual is a victim of domestic violence, dating violence, or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Purpose of Form: The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking (collectively “domestic violence”) from being evicted or terminated from housing assistance based on acts of such violence against them.

Use of Form: If you have been a victim of domestic violence, you or a family member on your behalf must complete and submit this certification form, or submit the information described below under “Alternate Documentation,” which may be provided in lieu of the certification form, within 14 business days of receiving the written request for this certification form by the owner or management agent. The certification form or alternate documentation must be returned to the person and the address specified in the written request for the certification form. If the requested certification form or the information that may be provided in lieu of the certification form is not received by the 14th business day or any extension of the date provided by the owner or management agent, none of the protections afforded to victims of domestic violence under the Section 8 project-based assistance program will apply. Distribution or issuance of this form does not serve as a written request for certification.

Alternate Documentation: In lieu of this certification form (or in addition to it), the following documentation may be provided:

- (1) A federal, state, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE:

1. Date written request is received from owner or management agent:

2. Name of victim:

3. Your name (if different):

4. Name(s) of other family members listed on the lease:

5. Name of the abuser:

6. Relationship of the abuser to the victim:

7. Date of incident:

8. Time of incident:

9. Location of incident:

{Page two must be completed and attached to this form.}

In your own words, describe the incident (Attach more sheets if needed. Initial each attachment.):

This is to certify, under penalty of perjury, that the information provided is true and correct, and that the individual named above in Item 2 is a victim of domestic violence, dating violence, or stalking. The incident(s) in question is a bona fide incident(s) of such actual or threatened abuse. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for termination of Section 8 project-based assistance or eviction from assisted property.

Signature _____ Executed on (Date) _____

All information provided to an owner or management agent related to the incident(s) of domestic violence, dating violence or stalking, including the fact that an individual is a victim of domestic violence, dating violence or stalking shall be retained in confidence by the owner or management agent and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is:

- (1) Requested or consented to by the victim in writing;
- (2) Required for use in an eviction proceeding or termination of assistance; or
- (3) Otherwise required by applicable law

Respondent's Initials _____

**Proposed LEASE ADDENDUM Violence Against Women and Justice Department
Reauthorization Act of 2005**

TENANT	LANDLORD	UNIT NO. & ADDRESS
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This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

Purpose of the Addendum

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

Conflicts with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The effective date of this Lease Addendum is _____. This Lease Addendum shall continue to be in effect until the Lease is terminated,

VAWA Protections

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy, or occupancy rights of the victim of abuse.

The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-90066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Tenant

Date

Landlord

Date